

REMARKS

This application has been reviewed in light of the Office Action mailed on July 9, 2004. Claims 1-19 are pending in the application with Claims 1, 7 and 15 being in independent form. Claims 1-19 are rejected.

(1) In the Office Action, Claims 1-3, 5-15 and 17-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,689,825 issued to Averbach et al. (hereinafter "Averbach").

Applicant respectfully traverses the rejection. Independent Claim 1 recites:

1. A charger system comprising:

a charger comprising coupling means for coupling to a rechargeable device, wherein the coupling means includes charging means for providing an electrical charge to the rechargeable device and means for transferring data to the rechargeable device; and means for receiving the data from a remote source and selectably transferring the data upon receipt to at least one of the means for transferring and a storage means of the charger. [Emphasis Added]

One feature of the invention, as recited in Claim 1, is directed to the method of transferring updated data received by the charger to the remote control device. As described in the Specification at page 13, the transfer of data from the charger to the remote control device may be performed in a direct mode or in an indirect mode. In the direct mode, the received data is transferred directly to the data communication port for

transfer to the remote control device. Claim 1 recites this feature as *the means for transferring [to the rechargeable device]*

...selectably transferring the data upon receipt to at least one of the means for transferring.

In the indirect mode, the received data is transferred to the charger's memory.

Claim 1 recites this feature as *a storage means of the charger :*

selectably transferring the data upon receipt to at least one of the means for transferring and a storage means of the charger.

The Specification states that the charger may operate in exclusively the direct mode or the indirect mode, or the mode may be selectable by the user, such as via an activation switch on the charger or the user interface on the remote control device, by the server via parameters associated with the downloaded data, or automatically. For example, upon user initiation of a request for a download of data from the server, the direct mode would be automatically selected for direct transfer of the downloaded data to the remote control device.

In the Office Action, the Examiner asserts that Averbach teaches *means for receiving the data from a remote source and selectably transferring the data upon receipt to at least one of the means for transferring and a storage means of the charger.*

Applicant respectfully traverses this assertion.

Averbach at Col. 2 lines 10-36 teaches a method and apparatus for downloading updated software to portable wireless communication units. Averbach teaches that a software downloader can be coupled to the portable wireless communication unit. When receiving updated software from a server, Averbach teaches that *blocks of the updated software are received from the server and stored in the memory [of the software downloader] ...When the portable wireless communication unit is coupled to the software downloader's interface, the stored blocks are sent to the portable wireless communication unit.*

In contrast to the invention, Averbach is silent with respect to the recitation of Claim 1, namely, a capability for

selectably transferring the data upon receipt to at least one of

(1) the means for transferring and

(2) a storage means of the charger. [Emphasis Added]

As recited above, in accordance with the method of Averbach, the data is always stored in the memory of the software downloader and thereafter transfers the data to the portable wireless communication unit.

Thus, Averbach does not teach or disclose an option for selectably transferring data, as recited in Claim 1.

As a further distinction, in accordance with the invention, the data may be stored in the charging unit. Claim 1 explicitly recites a *storage means of the charger*. By contrast, Averbach does not teach storing data in a storage means of the charger. Instead,

Averbach teaches that the data is always stored in a storage unit of the software downloader.

It is respectfully submitted that at least the limitations and/or features of Claim 1 described above, are not disclosed or suggested by Averbach.

Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claim 1 and allowance thereof is respectfully requested.

Claims 2-3 and 5-6 depend from independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 2-3 and 5-6 are believed to be allowable over Averbach..

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claims 2-3 and 5-6 is respectfully requested.

Claims 7 and 15 recite features which are found in Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 7 and 15 are believed to be allowable over the cited references, alone and in combination.

Additionally, Claims 8-14 and 17-19 depend from independent Claims 7 and 15, respectively, and therefore contain the limitations of Claims 7 and 15. Hence, for at least the same reasons given for Claim 7 and 15, Claims 8-14 and 17-19 are believed to be allowable over Averbach.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claim 8-14 and 17-19 and allowance thereof are respectfully requested.

(2) In the Office Action, Claims 4 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Averbach in view of US Patent No. 4,700,375 issued to Reed.

Claims 4 and 16 which depend on independent Claims 1 and 15, respectively, and therefore contain the limitations of Claims 1 and 15, are in condition for allowance for at least the same reasons given for Claims 1 and 15 above.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-19 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9607

Respectfully submitted,



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